IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 24TH AUGUST 2007 / 2ND BHADRA 1929

Bail Appl..No. 5171 of 2007()

CRIME NO. 285/07 OF KAREELAKULANGARA POLICE STATION
CMP.1807/2007 of J.M.F.C.-II, HARIPAD

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PETITIONERS/ACCUSED
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1. SUMESH @ KANNAN, S/O SUNDARAN,
   PUTHENKANDATHIL VEEDU, MAHADEVIKADU MURI,
   KARTHIKAPPALLY.

2. ANEESH @ ANIL, S/O KARTHIKEYAN,
   AREEKKATHARAYIL VEETTIL,
   KANJOOR KOTTAKKAKAM MURI, CHINGOLI VILLAGE.

3. RADHAKRISHNAN,
   S/O KOCHUNARAYANAN, CHETTISSERY THEKKETHIL,
   KANJOOR KOTTAKKAKAM MURI, CHINGOLI VILLAGE.

BY ADV. SRI.SHIRAZ ABDULLA

RESPONDENTS: COMPLAINANT

SUB INSPECTOR, KAREELAKULANGARA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 5171 of 2007

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Dated this the 24th day of August, 2007

O R D E R

Application for regular bail. The petitioners are accused 1, 2 and 4. They face allegations, inter alia, under Section 402 I.P.C. and under Section 27 of the Arms Act. The crux of the allegations against them is that at 5 p.m. on 8.8.2007 they were found together having in their possession dangerous weapons like swords, churika etc. They were found in possession of pepper powder also. The petitioners were arrested on 8.8.2007 and they continue in custody from that date. The co-accused have not been arrested so far. The first accused had a history of criminal antecedents. He was involved in one Abkari offence earlier, it is submitted. The other petitioners have no criminal antecedents whatsoever.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. 8.8.2007 was a day of harthal in Kerala. On that day the petitioners were assembled in an open place. They were directed to disperse. The police allegedly used violence. One of the youngsters, who had assembled there suffered injuries

also. Local people raised protest and objection. To wash of their hands and to get themselves clear of any complications, the police party have raised the present allegation, which is improper. At any rate, the petitioners, who remain in custody from 8.8.07, may now be enlarged on bail, prays the learned counsel.

3. The learned Prosecutor opposes the application. He submits that the investigation is not over. Some further time may be granted to the Investigators, it is prayed.

4. Having considered the totality of inputs, I am persuaded to agree that the petitioners can be granted bail now, subject to appropriate conditions. In coming to this conclusion I take note of the fact that the petitioners have no criminal antecedents, which might suggest the possibility of their having been involved in an offence under Section 402 I.P.C.

5. In the result:

1) This application is allowed.

2) The petitioners shall be released on bail on the following terms and conditions.

(a) The petitioners shall execute bonds for Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum to be satisfaction of the learned Magistrate.

(b) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 12 noon on all Mondays and Fridays for a period of two months and thereafter as and when directed by the Investigating Officer in writing to do so.

© The petitioners shall not leave the jurisdiction of Kareelakulangara police station during the said period of two months without the prior permission of the learned Magistrate.

(R. BASANT)
Judge

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